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10/039,924	11/09/2001	Glenn Christopher Arnold	13187/4	1796

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EXAMINER

JOHNSON, ALAN M

ART UNIT

PAPER NUMBER

2611

DATE MAILED: 12/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/039,924	Applicant(s) ARNOLD ET AL.	
	Examiner Alan M. Johnson	Art Unit 2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>09/02/03</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Objections

1. Claim 1 objected to because of the following informalities: "said device" line 7, should be changed to a device for proper antecedent basis. Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "said server" in the 5th line of claim 1. It is not clear if "said server" in line 5 is referring back to "a server" in line 2 or to "a server" in line 5.

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Art Unit: 2611

described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The specification fails to enable one of ordinary skill in the art how to make or use video content that does not include imbedded tags as recited in claim 6. The specification and drawings describe using a time code as a method of synchronization between broadcast programming and linked data files. This time code is a part of the data that is included with the video content therefore the specification does include embedded tags, in the form of time codes, which means the disclosure of the invention includes imbedded tags.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1, 3, 6, 9-12, 14, 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Berberet (US2003/0226150A1).

In regards to claim 1, Berberet discloses a real time interactive video system comprising:

- a) a server (2.3 Fig. 2 and 2.3.1.3 Fig. 2a) for storing a sequence of frames of video content (paragraph 85, 130 and 131)
- b) a viewer interaction platform (1.3 Fig. 2) which includes a system for identifying frames (2.8 Fig. 2) of the sequence of frames of video content selected by a user (paragraph 87 and 133)
- c) and exporting the request to a server (2.3 Fig. 2), the server including a system for comparing the request with the stored video frames (the video scrapbook points to a video frame that is stored on the video server, when the user selects the frame, on their local video display (2.8) using the remote control (2.7), where he or she wants the video content to begin transmission, that request is exported to the video scrapbook via data link (2.12) which takes the frame pointer and inherently compares the selected frame pointer to the actual frame on the server (paragraph 87 and 133)
- d) and exporting the video data to the viewer interaction application (2.6, 2.8 Fig. 2) on the device which corresponds to the request for interaction with pixel objects in the video content (paragraph 87 and 133).

With respect to claim 3, Berberet discloses the real time interaction system as recited in claim 1, wherein the video frames are stored sequentially in a video buffer (2.2, 2.2.1 Fig. 2a and paragraph 131 lines 7-18).

Dealing with claim 6, Berberet discloses the real time interaction system as recited in claim 1, wherein the video content does not include imbedded tags. Nowhere within Berberet's patent disclosure does he disclose video content that includes embedded tags therefore, Berberet's patent does not include imbedded tags (paragraphs 86, 104, 106, 110, 117, 119, and 127 which are all paragraphs where embedded tags would be mentioned if they were applicable.)

As for claim 9, Berberet discloses the real time interaction system as recited in claim 1, wherein the viewer interaction platform (1.3 Fig. 2) includes a local storage device (2.9 Fig. 2) for storing user selected video frames (paragraph 128).

Dealing with claim 10, Berberet discloses the real time interaction system as recited in claim 1, wherein the viewer interaction platform (1.3 Fig. 2) includes viewer frame interaction application (2.6, 2.8 Fig. 2) that is configured to support playback of the video frames (paragraph 123 and 127).

As for claim 11, Berberet discloses the real time interaction system as recited in claim 10, wherein the viewer frame interaction application (1.3 Fig. 2) is configured to support one or more local frame advance navigational buttons (Local VCR, paragraph 128 lines 8-12, a VCR inherently supports frame advance navigational buttons).

Dealing with claim 12, Berberet discloses the real time interaction system as recited in claim 1, wherein the frame interaction application (1.3 Fig. 2) is configured to support a frame advance dialog box which allows unselected frames on the server (2.2 Fig. 2) to be called on a time interval basis (the video buffer allows the user to perform the same functions as if they were using a VCR which shows how this invention is configured to support a frame advance dialog box stated above, paragraph 86).

In regards to claim 14, Berberet discloses the real time interaction system as recited in claim 10, wherein the viewer interaction application (1.3 Fig. 2) is configured to support one or more server frame advance navigational buttons for viewing unselected frames in the server (paragraph 123, paragraph 125 lines 1-7, and [Remote Control] table 1 page 13).

With respect to claim 15, Berberet discloses the real time interaction system as recited in claim 1, wherein the viewer interaction application supports a graphical user interface (paragraph 123 lines 7-11).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 2, 4, 5, 7, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berberet in view of Gerba (5,931,908).

Considering claim 2, Berberet fails to specifically teach a timing device for providing timing signals to the sever, the timing signals being synchronized to a real time broadcast of the video content, wherein the timing signals are time stamps.

In an analogous art, Gerba discloses a timing device (6, 14 Fig. 1) for providing timing signals to the server (12 Fig. 1), the timing signal being synchronized to a real time broadcast of the video content, wherein the timing signals are time stamps (column 4 lines 56-64, sequential code column 5 lines 5-15 and column 6 lines 62-65).

It would have been obvious to one of ordinary skill in the art to modify Berberet's system to include the timing signals which are time code numbers, as taught by Gerba, for the advantage of providing a way for the video buffer to keep track of a users current position in a program when the user desires to stop the program and come back at a later time and resume the program from their last position with in the program.

As for claim 4, Berberet and Gerba disclose a real time interaction system wherein the timing signals are time code numbers (see claim 2).

Dealing with claim 5, Berberet and Gerba disclose a real time interaction system wherein the video frames are stored by time code number (see claim 2).

In regards to claim 7, Berberet fails to specifically teach the real time interaction system further including a system for reading linked video files which link predetermined pixel objects in the video frames with predetermined data objects.

In an analogous art, Gerba discloses a real time interaction system further including a system for reading linked video files (34 Fig. 2) which link predetermined pixel objects in the video frames with predetermined data objects (column 5 lines 16-45).

It would have been obvious to one of ordinary skill in the art to modify Berberet's system to include a system for reading linked video files which link predetermined pixel objects in the video frames with predetermined data objects, as taught by Gerba, for the advantage of linking pixel objects on the display to data corresponding to the additional information about the object including purchasing information.

Considering claim 8, Berberet fails to specifically teach the real time interaction system wherein said linked video files are exported to the viewer interaction platform.

In an analogous art, Gerba discloses a real time interaction system wherein said linked video files (actionable events) are exported to the viewer interaction platform (34 Fig. 2 and column 5 lines 15-20).

It would have been obvious to one of ordinary skill in the art to modify Berberet's system to include linked video files that are exported to the viewer interaction platform, as taught by Gerba, for the benefit of allowing the user to view and interact with the linked video files.

9. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Berberet in view of Gupta (US2005/0086703A1).

In regards to claim 13, Berberet fails to specifically teach the real time interaction system wherein the viewer frame interaction application is configured to support a drop down menu for selecting time intervals.

In an analogous art, Gupta discloses a real time interaction system wherein the viewer frame interaction application (100 Fig. 4) is configured to support a drop down menu for selecting time intervals (paragraph 71).

It would have been obvious to one of ordinary skill in the art to modify Berberet's system to include the viewer frame interaction application configured to support a drop


down menu for selecting time intervals, as taught by Gupta, for the advantage of allowing users to search through program content by using the on screen display with would reduce the complexity of the hand held remote control.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alan M. Johnson whose telephone number is (571)272-7916. The examiner can normally be reached on 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher C. Grant can be reached on (571)272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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